Article 5.3: Administrative Relief from Development Standards

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5.301 Purpose and Applicability

The purpose of this article is to authorize minor deviations from the requirements of this Code.

The Director may grant administrative relief from development standards as authorized by this article where such deviations are necessary for the implementation of this Code and will improve the quality of development. Administrative relief granted pursuant to this article may only be granted prior to construction. Such relief is not a variance.

5.302 Scope of Authority

The Director is authorized to grant administrative relief from dimensional requirements of the Zoning Code not to exceed 10 percent of the requirement. Any relief granted shall be the minimum required to implement the purposes of the Zoning Code and improve the quality of development.

5.303 Procedures and Standards of Review

- A. *Application*. An application for administrative relief shall be filed with the Development Services division in accordance with the application procedures set forth in Article 5.2: Common Procedures.
- B. *Findings*. Any administrative relief authorized by the Director will be documented with findings to be filed with the appropriate Development Services division case files. The following findings shall establish the rationale for the granting of relief:
 - 1. Relief is necessary due to the physical attributes and conditions of the property and the proposed use or structure including, but not limited to, topography, noise exposure, irregular property boundaries, or other unusual circumstance;
 - 2. There are no alternatives to the requested modification that could provide similar benefits with less potential detriment;

- 3. Granting the relief does not threaten the health or safety of the public or the occupants of the property or would create a change in land use or density that would be inconsistent with the requirements of this Code;
- 4. Granting the relief does not impose an undue financial or administrative burden on the Town;
- 5. There are no compelling public interests that justify the denial of the requested relief or the imposition of conditions;
- 6. The applicant's demonstrated need substantially outweighs any detriment to public needs and interests; and
- 7. If relief is being requested pursuant to the requirements of State or Federal law, the relief is necessary to reasonably accommodate the needs of an applicant pursuant to the specific requirements of State or Federal law.

5.304 Appeals

Any decision to grant relief from the provisions of this Code may be appealed to the Planning Commission pursuant to Section 5.2011: Procedures for Appeals.